

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

MIKE HARRIS and JEFF DUNSTAN,
individually and on behalf of a class of similarly
situated individuals,

Plaintiffs,

v.

COMSCORE, INC., a Delaware corporation,

Defendant.

Case No. 1:11-5807

Hon. James F. Holderman

Magistrate Judge Kim

PLAINTIFFS' MOTION TO FILE DOCUMENTS UNDER SEAL

Plaintiffs Mike Harris and Jeff Dunstan (“Plaintiffs”), pursuant to Local Rules 5.8 and 26.2, respectfully move the Court for an Order granting them leave to file certain documents under seal, either in whole or in part, in conjunction with Plaintiffs’ Response in Opposition to Defendant’s Renewed Motion to Dismiss Under Rule 12(b)(3). In support of this Motion, Plaintiffs state as follows:

1. On November 22, 2013, concurrently with the filing of this Motion, Plaintiffs filed their Response in Opposition to Defendant's Renewed Motion to Dismiss Under Rule 12(b)(3) (the "Response") and the Declaration of Rafey S. Balabanian in support of the Response (the "Balabanian Declaration").

2. Attached to the Balabanian Declaration, among other exhibits, are the following documents that Defendant comScore, Inc. (“comScore”) has marked “CONFIDENTIAL—ATTORNEYS’ EYES ONLY” pursuant to the January 20, 2012 Protective Order entered by Magistrate Judge Kim in this case (the “Protective Order”) (Dkt. No. 72):

a. Exhibit A: An excerpt of the transcript from the Rule 30(b)(6) deposition of comScore's Chief Technology Officer and Rule 30(b)(6) designee, Michael Brown.

Although the entire transcript was marked by comScore as “CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” comScore previously indicated (in the context of Plaintiffs’ filing of their Supplemental Motion for Class Certification) that the excerpted pages are not confidential and may be filed publicly;

b. Exhibit C: Email from Sarah Villyard to Armando Pantano dated Dec. 27 2012, produced at Bates No. CS0071631;

c. Exhibit D: Email from Latoya Peterson-Renfrow to Helena Barkman dated May 23, 2007, produced at Bates No. CS0042536.

3. The Protective Order prohibits either Party from publicly disclosing documents marked as “CONFIDENTIAL,” “CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” or “Highly Confidential—Source Code.” (Dkt. No. 72, ¶¶ 7, 9.)

4. Accordingly, and pursuant to comScore’s counsel’s instruction and the Protective Order entered in this case, Plaintiffs seek leave to file Exhibits C and D, described *supra*, ¶ 2, entirely under seal.

5. Additionally, because the Response quotes material from Exhibits C and D to the Balabanian Declaration, Plaintiffs seek leave to file the Response partially under seal.

WHEREFORE, Plaintiffs respectfully move the Court, pursuant to Local Rules 5.8 and 26.2 for an Order:

- (i) Granting them leave to file entirely under seal Exhibits C and D to the Balabanian Declaration;
- (ii) Granting them leave to file partially under seal Plaintiffs’ Response in Opposition to Defendant’s Renewed Motion to Dismiss Under Rule 12(b)(3); and
- (ii) Awarding such other and further relief as the Court deems equitable and just.

Dated: November 22, 2013

Respectfully submitted,

MIKE HARRIS AND JEFF DUNSTAN,
INDIVIDUALLY AND ON BEHALF OF A CLASS OF
SIMILARLY SITUATED INDIVIDUALS,

By: s/ Benjamin S. Thomassen

One of Plaintiffs' Attorneys

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CERTIFICATE OF SERVICE

I, Benjamin S. Thomassen, an attorney, certify that on November 22, 2013, I served the above and foregoing ***Plaintiffs' Motion to File Documents Under Seal***, by causing true and accurate copies of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system, and further by causing true and accurate copies of such paper to be transmitted to all counsel of record via electronic mail on this 22nd of November 22, 2013.

s/ Benjamin S. Thomassen _____